

BUTE NEWS.

ALL KINDS OF FRAUD

Attorney George Haldorn's Answer to Charges Was Filed Yesterday.

DENIES EVERY ALLEGATION

He Makes Serious Charges of Cheating and Misrepresentation on the Part of John F. Cowan, the Plaintiff in the Suit.

Attorney George Haldorn has filed in the district court his answer to the suit brought against him by John F. Cowan for \$1,500 claimed to be due on a lot of stock in the Merrill Consolidated Mining company, and makes charges of all kinds of fraud, cheating and misrepresentation. After making specific denials of every allegation contained in Cowan's complaint, Mr. Haldorn alleges that in September, 1896, the plaintiff, "intending to cheat and defraud the defendant and to obtain money from him," falsely stated that he was about to organize a mining company to acquire title to several mines in Jefferson county, the cost of which was \$25,000; that the company, of which the defendant was to be a stockholder, was to obtain title to the mines at the price paid for them by the plaintiff, and as a matter of fact he obtained the mines for \$10,000 instead of \$25,000, the price paid by the company. Thereafter the plaintiff, "for the purpose of further cheating and defrauding the defendant as a stockholder in the corporation," sold to the company, organized by himself, the California, T. & B. Big Chief and Little Nell quartz lode mining claims, for \$15,000, alleging he had paid that amount for the claims and which were to be turned over to the company for the actual price paid for them, when in fact the plaintiff paid no more than \$10,000 for them. The defendant was induced to become a stockholder in the company to be organized by Cowan solely on his belief that all the mining claims were to become the property of the corporation at the actual price paid for them by the plaintiff. At the time plaintiff induced defendant to subscribe for stock in the corporation the plaintiff expressly agreed and stipulated that he would put upon one of the claims to be turned over to the company a 16-stamp mill in good running order. He had put up some machinery, but it proved entirely and utterly useless and was never in running order. He also agreed that the stock to be delivered to the defendant should be clear of all indebtedness, but when he tendered the stock he knew that the company, of which he was secretary, had been attached and was at that time actually in the custody of the sheriff of Jefferson county. At the time of the tender the company was indebted in the sum of \$7,000 on notes given through the plaintiff as secretary and manager. "The defendant is informed and believes," continues Mr. Haldorn, "that said corporation at the time of said alleged tender was insolvent by reason of the deceit and mismanagement of its secretary and manager, the plaintiff herein."

It is further alleged that the plaintiff was to deliver to the company the mining claims and stamp mill free from debt, but the company was at the time indebted \$5,000 on notes given by its secretary.

TRACK PRIVILEGES.

Bids Opened Yesterday by Manager Tipton—A Large Increase.

The bids for the race track privileges at Butte and Anaconda were opened by Manager Tipton at Anaconda yesterday afternoon and they were sold for the unprecedented price of \$25,275. Last year when the meetings in the sister cities were as long as they are, the sum of \$10,000 and same privileges sold for \$16,100 and the large increase not only indicates the wonderful prosperity of Butte and Anaconda, but a belief that is as good as a certainty that this season's race meetings will eclipse anything that has ever been in the West.

While the sheriff is using a land office business through the East and republicans of national prominence are roasting their party for its failure to deliver that promised prosperity, Butte and Anaconda are waiting along on velvet carpet on the sunny side of Easy street. The sale of the race track privileges at an increase of more than 50 per cent over last year is an object lesson that will set Eastern people to thinking and attract the attention of horsemen all over the country.

The privileges were bought by men who are well posted as to what they are worth and the figures they sold for represent no extravagant values. The privileges consist of the bars, including cigars and tobacco, restaurants, lunch counters, ice cream and soda water stands, fruits and candies, pop corn and peanuts, check rooms, bicycle rack stands and the sale of programmes, and in fact include everything except the betting, which will be handled this year by the association.

All of the privileges at Butte except the programmes were sold to Miles Finlen for \$14,000. Last year Mr. Finlen paid \$10,000 for the same privileges. All of the Anaconda privileges except the programmes and boarding house went to James Johnson of that city for \$8,750, and James Crowley secured the boarding house privilege for \$225. The programme privilege for the two places was sold to Butler & Curran for \$2,200, making a total of \$25,275 for all of the privileges. The betting will be handled by the association this summer and Manager Tipton will give it his personal and undivided attention, which is a guarantee that the system will give the public the utmost satisfaction and there will be no complaint from any source. Two well-known and thoroughly competent auctioneers have been already engaged with a capable assistant to take the place of either one of them should he become incapacitated and every branch of the betting will be in reliable hands. There will probably be three mutual cashiers in Anaconda and four in Butte, with a ladies' window in each place.

To Foreclose a Mortgage.

W. A. Clark & Bro. yesterday commenced an action in the district court against W. H. Young and John Noyes for \$4,500 and to foreclose a mortgage on the east half of lot 24, block 14, of the city of Butte. The Clarks allege that on July 19, 1894, Young gave a note for \$3,000 to Mrs. Julia Catter and secured it with a mortgage on the property

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For separate skirts and suits in weaves specially adapted for dusty weather and at the same time are very stylish and pretty.
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50c
36-inch Figured Mohair.....
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Hemmed ready for use, extra heavy quality, full size, each.....
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28c large Huck, all Linen Towels, two for.....
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\$1.50 Huck Towels, hemstitched, dozen.....
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Of Linen Towels, fringe, hemmed or hemstitched, all white or fancy borders, each.....
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JUDGMENT REVERSED

Decision of the Supreme Court Involving Valuable Property.

FIVE YEARS IN POSSESSION

The Case of Ellen Jennings, Administratrix of the Estate of Solomon Jennings, Against Robert Gorman.

Among the decisions handed down by the supreme court on Monday is one in the case of Ellen Jennings, administratrix of the estate of Solomon Jennings, deceased, against Robert Gorman, involving some valuable ranch property in Silver Bow county. The decision reverses the lower court. Mrs. Jennings had brought suit in ejectment to recover possession of the land in controversy, and the defendant claimed adverse possession for five years preceding the commencement of the suit and for an equitable defense, pleading purchase, but that the description of the premises had been omitted from the deed, and prayed for a reformation of the deed. The equitable issues were tried by the court and found for plaintiff. The issues of adverse possession and the statute of limitations were tried before a jury, and a verdict found for defendant. Plaintiff appeals. Defendant on the trial assumed the burden of proving a continuity of possession which ripened into a title. He offered his evidence to that effect. Thereafter plaintiff offered to rebut this evidence, which was objected to by defendant, and the objection sustained. "This was prejudicial error and requires a reversal of the case," says the court. "Manifestly, if evidence to support the defense of adverse possession was permitted at all, testimony to rebut such evidence was competent." Continuing Justice Hunt for the court says:

"The case seems to have become complicated in the course of its proceeding. The equitable defense of a purchase of the ground in controversy by defendant and that there was a mistake in the deed delivered to him was tried by the court and decided against defendant. This was an adjudication of the fact that legal title was in Jennings at the time of defendant's entry. Upon exactly what ground the learned judge who tried the case based his decision upon the equitable issues does not appear in the record. We would have been aided by knowing his views upon this branch of the case for they would have shed light upon the conduct of the subsequent trial and his ruling upon the legal issues. It would seem as though when the equitable defense was disposed of, the evidence in support of that defense became immaterial to the issues of adverse possession, unless the case was tried upon the theory that if defendant claimed title to the ground in controversy which was not included in his deed, yet he by mistake believed it was, he could recover upon adverse possession. Whether or not this theory was warranted by the evidence we need not now decide, and whether or not the important questions raised by our suggestion that this was the theory upon which the court proceeded, were passed on we cannot say, for no reference is had to them in the instructions or rulings of the court. But as this point may arise upon another trial we refer to the following decisions which discuss the law. The judgment is reversed and the cause is remanded for a new trial."

IN A DILEMMA.

The Entire Building Ordinance Invalidated by a Decision.

Police Judge Ferrell yesterday afternoon sustained the demurrer to the complaint against M. G. Cohn for the reason that the publication of the building ordinance was never ordered by the council. The decision is a very important one, from the fact that it invalidates the entire building ordinance and leaves the city without any fire limits or any restrictions on the erection of frame buildings in any part of the city. Mayor Harrington and City Attorney DeWolfe will hold a consultation this morning to attempt to devise some speedy way out of the dilemma in which the city finds itself, and it is possible that a special meeting of the council will be held this evening to pass a new ordinance.

The funeral of Hugh H. Carroll will take place at 2 o'clock this afternoon from the family residence at 1324 Madison street.

The Shedd Inquest.

The inquest on the body of William Shedd, who suicided Monday afternoon in a friend's room near the Braund house, will be held at 4 o'clock this afternoon at Sherman's undertaking establishment. Coroner Tremblay, who has been investigating the case, has ascertained that when Shedd left the brickyard, where he was employed, and started for the Braund house he had a valise, but thus far the coroner has been unable to find any trace of it. The grip is supposed to contain insurance papers belonging to the deceased.

Through Service.

The Northern Pacific is the only line operating vestibuled Pullman sleepers between Butte and St. Paul without change.

The Presbyterian Assembly.

Eagle Lake, Ind., May 25.—The Presbyterian general assembly today settled two important questions. The first was not to sell its building in New York and the second to have only one secretary of home missions. The latest echo of the controversy over Dr. Briggs and the

"Be Not the First by Whom the New Is Tried; Nor Yet the Last to Lay the Old Aside."

It is not our aim in the conduct of the business of the White Front Grocery to be influenced by the selling quality of every new article that is put on the market, but when we learn of a good thing in our line, we know that we can use it. We strive to have the confidence of our patrons in every particular. It is useful that we should. We know this and that is why we use the care referred to in the lines above. We may not surprise our patrons by offering to them every new article, but we please them by supplying them with goods that meet their requirements and possess public approval. By exercising this care we are well repaid in our increasing business, and having patrons say:

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All kinds of Mining and Bridge Timbers a Specialty.

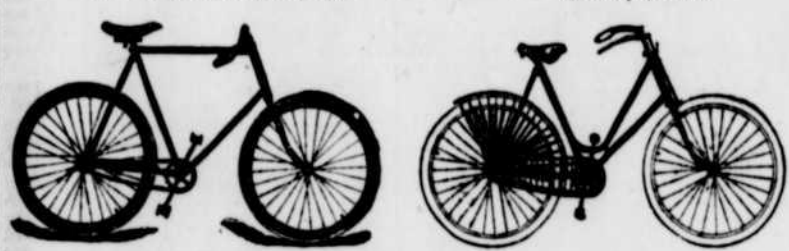
Large Dry Kilns in connection with the mill. Sash and Door Factory. Sash, Doors, Mouldings, Cedar Shingles and Pine Lath. Interior Hardwood or Pine, Hand Rails, Balusters and Newel Posts. Scroll Sawing, Turning and Fancy Brackets. Over 2,000,000 feet No. 1 Clear Finish in stock, either yard seasoned or kiln dried. Estimates and price lists on application.

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Beginners Taught Free of Charge.

Union seminary came up in the report of the judicial committee, which extended to all presbyteries the order to exclude students of that seminary from their care. It was apparent that few commissioners knew what they were voting upon, as the matter came up on appeal from some unnamed action of the synod of New York, the name of the case alone being given.

MAY EXCEED CONTRACT.

The Gunboat Marietta Given Her First Trial at San Francisco.

San Francisco, May 25.—The gunboat Marietta left her pier at the Union Iron Works under command of Captain Miner Goodall today, having on board the board of officers appointed to make the official trial, and proceeded to the measured mile off Bluff point.

The following runs over the course were made between 11 o'clock and 4 to determine the speed revolution curve of the ship, as required in the contract of both the Marietta and the Wheeling: Two at (approximately) seven knots; two at (approximately) nine knots; four at (approximately) 10 knots; four at (approximately) 11 knots.

The highest speed reached at any time during these trials was, corrected for time, 11.4 knots per hour; average revolutions on each engine, 235; steam pressure, 180 pounds. The mean draft was 12 feet, or about one foot lighter than normal displacement draft, having neither masts or battery on board. The remaining four runs over the measured mile at approximately 12 knots will take place to-morrow morning, after which the four consecutive hours' steaming trial will take place in the bay, and the indications are that the Marietta will exceed her contract speed—12 knots—by two or two and one-half knots.

A Record Smashed.

Portland, Ore., May 25.—A. B. Croasman of the Multnomah Athletic club last night smashed the world's "cocked hat" bowling record, making 96 out of a possible 98. The Pacific Northwest record up to this time has been 83, made in 1896 by Nelson of Seattle.

SUMMER EXCURSIONS.

Cheap Rates and Convenient Arrangements to Spend Pleasant Sundays.

Commencing with Sunday, May 16, The Northern Pacific will put its summer excursion rates to short line points into effect and will run a special Sunday train as far as Sappington. The Sunday rates will be: Pipestone, 41; Whitehall, \$1.50; Lime Spur and Sacre's ranch, \$2; Sappington, \$2.25. Tickets will be on sale on Saturday and Sunday and will be good to return the following Monday. The fishing along the Jefferson near Sacre's ranch is exceptionally good this spring and Pipestone Springs is a more popular resort than ever on account of the extensive improvements that have been made. The excursion train will leave Butte at 9 a. m. and will arrive returning at 9 p. m.

A Pointer.

By using the Northern Pacific you will save 25 hours in time to Spokane, Wash., Rossland, Trail, Nelson, Kaslo, Fardon, New Denver, Grand Forks and all British Columbia points.

At a special meeting of the trustees of the State Savings bank of Butte, Silver Bow county, state of Montana, held at the office of said bank on May 3, 1897, the following resolution was adopted: Resolved, That from and after this date this bank will pay on savings deposits only four per cent per annum instead of five per cent as heretofore, and this shall apply to all savings deposits heretofore, as well as those hereafter made, and that rule and regulation No. 10 governing savings deposits be and the same is hereby amended by striking out five per cent and inserting four per cent in lieu thereof. P. A. Largey, president; T. M. Hodgson, secretary.

Calling Cards.

The correct visiting card is much smaller and thicker than those lately used, and the script also smaller than formerly. See samples at Butte office of Standard.

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of purchase is about the right time for a critical examination in order to determine whether any of the cardinal points of excellence have been overlooked in the suit you had made to order. A suit that comes from

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CASTORIA

For Infants and Children.

The following is a list of the names of the children who have been born in Butte during the month of May, 1897.